

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

January 29, 2003
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Wendy Feldman-Kerr, Queen Creek, Chair	Vice Mayor Ken Jones for Mayor J. Woodfin
Mayor Joan Shafer, Surprise, Vice Chair	Thomas, Litchfield Park
* Mayor Douglas Coleman, Apache Junction	Supervisor Don Stapley, Maricopa County
Mayor Ron Drake, Avondale	Mayor Keno Hawker, Mesa
Mayor Dusty Hull, Buckeye	* Mayor Edward Lowry, Paradise Valley
Mayor Edward Morgan, Carefree	Vice Mayor Ella Makula for
* Vice Mayor Ralph Mozilo, Cave Creek	Mayor John Keegan, Peoria
* Mayor Boyd Dunn, Chandler	Mayor Skip Rimsza, Phoenix
Mayor Robert Robles, El Mirage	* President Joni Ramos, Salt River
* Mayor Jon Beydler, Fountain Hills	Pima-Maricopa Indian Community
* Mayor Chuck Turner, Gila Bend	Mayor Mary Manross, Scottsdale
Governor Richard Narcia, Gila River Indian	Mayor Neil Giuliano, Tempe
Community	* Mayor Adolfo Gamez, Tolleson
Mayor Steven Berman, Gilbert	# Mayor Lon McDermott, Wickenburg
Mayor Elaine Scruggs, Glendale	Mayor Daphne Green, Youngtown
Vice Mayor Seth Kanter, Goodyear	* Rusty Gant, ADOT
* Mayor Margarita Cota, Guadalupe	Joe Lane, ADOT
	F. Rockne Arnett, Citizens Transportation
	Oversight Committee

* Those members neither present nor represented by proxy.
Attended by videoconference or by telephone conference call.

1. Call to Order

The meeting of the Regional Council was called to order by Chairman Wendy Feldman-Kerr at 5:08 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chairman Feldman-Kerr welcomed proxies Vice Mayor Ken Jones for Mayor Woody Thomas, Litchfield Park, and Vice Mayor Ella Makula for Mayor John Keegan, Peoria.

Chairman Feldman-Kerr stated that the RPTA has agreed to provide transit tickets for those who used transit to come to the meeting. She stated that garage parking validation was available from staff.

Chairman Feldman-Kerr stated that Mayor Lon McDermott was attending the meeting via telephone conference call. She reminded members to ensure their microphones were on when speaking so that he could hear discussion.

Chairman Feldman-Kerr stated that due to the room's acoustics, audience conversations carry over to the Council table, making it difficult to hear presentations. She requested that the audience keep conversations to a minimum during the meeting.

Chairman Feldman-Kerr stated that MAG staff, who are seated at each end of the entryways to the Regional Council table on both sides of the room, are available to assist members of the public in turning in their public comment cards.

Vice Chair Shafer announced that Surprise Assistant City Manager, Al DeShazo, passed away Saturday and services had been held January 29. Mr. DeShazo, who previously worked at MCDOT, had worked in Surprise for eight years. Vice Chair Shafer stated that the City will miss him. Chairman Feldman-Kerr expressed sympathy for the City's loss.

Chairman Feldman-Kerr stated that an addendum to the agenda, item #15, Legislative Update and Possible Action on Legislation Relating to One-Half Cent Sales Tax for Transportation, that was previously faxed to members, was at each place. She stated that a citizen submitted written comments for the record and a copy was at each place.

Chairman Feldman-Kerr stated that a Resolution of Appreciation was prepared for Jim Hull, City of Mesa, who chaired the MAG Telecommunications Advisory Group for three years. Mr. Hull recently stepped down as chair due to health problems. Mayor Drake moved to approve the Resolution of Appreciation for Mr. Hull. Mayor Giuliano seconded, and the motion carried unanimously.

Chairman Feldman-Kerr introduced three new Regional Council members. She presented Governor Richard Narcia from the Gila River Indian Community with his membership certificate. Governor Narcia expressed his thanks for the welcome. He stated that he had served as Lieutenant Governor in the Community for the past three years. Governor Narcia stated that he looked forward to working with the Regional Council on the issues that are common to all. He stated that building on the relationships forged at Regional Council will solve help problems and move us forward.

Chairman Feldman-Kerr stated that President Joni Ramos from the Salt River Pima-Maricopa Indian Community was unable to attend the meeting. Her membership certificate would be presented at a later date.

Chairman Feldman-Kerr presented Vice Mayor Seth Kanter, Goodyear, with his membership certificate. Vice Mayor Kanter expressed his appreciation for being on the Regional Council. He stated that he had big shoes to fill in succeeding former Mayor Bill Arnold. Vice Mayor Kanter stated that Representative Arnold had sent his regards to the Council. Vice Mayor Kanter stated that he looks forward to working with the Council.

3. Call to the Audience

Chairman Feldman-Kerr stated that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out the cards, which are available on the tables adjacent

to the doorways inside the meeting room. She noted that there is a three minute time limit. Public comment is provided at the beginning of the meeting for non-agenda items.

Chairman Feldman-Kerr recognized public comment from Bob McKnight, who stated that he lives in central Phoenix. Mr. McKnight requested an organizational chart showing the jobs and responsibilities of all working on the trolley, especially the consultants. He stated that \$34 to \$38 million has been spent on preliminary engineering and he could not see what has been done for that amount of money. Mr. McKnight stated that he has been a shop teacher and contract administrator with APS. He commented on having backup plans for the trolley if federal funding does not come through or if the City of Phoenix does not get money for the Civic Plaza from the legislature. Mr. McKnight stated that the trolley cannot go beneath Washington Street the way it is presently configured. He stated that he hoped no one would go to the legislature for money five years down the road, because we have enough debt already. Mr. McKnight explained that he has never been in debt, and has never had a mortgage. We need to live within our budgets. Mr. McKnight stated that the City of Phoenix comments about getting money from the sales tax extension sounded like extortion. Chairman Feldman-Kerr thanked Mr. McKnight for his comments.

Chairman Feldman-Kerr recognized public comment from DD Barker, who stated that she was recently hit by a car while riding her bicycle and was impressed that the driver stopped and helped her. Ms. Barker commented on her recent communications to request a correction to the December 11 minutes on agenda item #9, Status Update on the June 30, 2002 Single Audit and Management Letter Comments, MAG's Comprehensive Annual Financial Report (CAFR) and OMB Circular A-133 Reports (i.e., "Single Audit") for the Fiscal Year Ended June 30, 2002. She stated that Dennis Smith was making one point and she was trying to make another point. Therefore, there was not a discrepancy. Ms. Barker stated that the point that she was trying to make was that CTOC has used Deloitte and Touche for RARF audits. Because the City of Phoenix, MAG, ADOT and RPTA use Deloitte and Touche for audits, she does not really feel that there is an independent audit. Ms. Barker stated that Mr. Smith's comments clarified that RARF funds are not used in the MAG budget. They are in the MAG TIP, so this is the same as audited funds under the oversight of CTOC. Ms. Barker stated that by the statement submitted by Joe Ryan at the meeting, he feels shut out of the proactive government process at MAG and someone should look into his allegations. She recommended a book about how law is suffocating America. She stated that law is a guide, but should never be the final answer. Chairman Feldman-Kerr thanked Ms. Barker for her comments.

Chairman Feldman-Kerr recognized public comment from Blue Crowley, who announced upcoming events in the area: Parada del Sol in Scottsdale and Wickenburg Gold Rush Days. He stated that public comment is part of the process. In the past, citizens could comment on non-action agenda items during the Call to the Audience. Mr. Crowley stated that federal guidelines mandate that the process be examined every two years to ensure that you are becoming more proactive in involving the public in the process. He stated that MAG discussed changing the public comment process recently, which was not accepted. The public opposed the change because it was not changing the process for the better. Mr. Crowley stated that diversity is a part of your strength. He referred to the March 2002 Executive Summary of the Transportation Plan. A light rail station with express bus terminal on I-10 is not on the horizon. Since 1987, the terminal has sat unfinished. The City of Phoenix should abandon the terminal to the state, who is the largest employer in the state. How hard would it be for Phoenix to abandon it? If you look at express bus service, does it go through that express terminal? No. Do the job right. Strike a blow for victory and kick the oil habit. Chairman Feldman-Kerr thanked Mr. Crowley for his comments.

13. Ratification of the Executive Committee Action for Approval of the MAG Executive Director

This agenda item was taken out of order.

Chairman Feldman-Kerr stated that at the January 17, 2003 Executive Committee meeting, the Committee approved the appointment of Dennis Smith to be MAG Executive Director, subject to ratification by the Regional Council.

Vice Chair Shafer moved to ratify the Executive Committee's action approving Dennis Smith as the MAG Executive Director, and to approve the employment agreement. Mayor Giuliano seconded, and the motion carried unanimously.

Mr. Smith expressed his thanks to the Executive Committee and Management Subcommittee for their efforts on the recruitment process. He acknowledged the contributions of MAG staff work to his and MAG's success. Mr. Smith spoke about the ethics for a job well done that were instilled in him by his late father. He stated that he will do a great job for MAG.

It was noted that Mr. Crowley had submitted a public comment card. Mr. Crowley had indicated that he did not need to address the Council, just go on record that he supported the selection of Mr. Smith as Executive Director.

4. Executive Director's Report

Mr. Smith stated that on January 13 another segment of the MAG Freeway System was opened, on the Red Mountain Freeway, from Gilbert to Higley Road. Under the old 2014 freeway completion schedule this section was scheduled to be opened in 2008. Under the accelerated plan and with the assistance of the City of Mesa, this segment was opened five years sooner. Mr. Smith acknowledged the hard work of the City of Mesa and the Arizona Department of Transportation using creative financing techniques passed by the Legislature. He expressed thanks to Roc Arnett, who at several freeway openings has recognized MAG staff work.

Mr. Smith stated that the ADOT/MAG/RPTA Public Meeting is scheduled for March 6, 2003, in the Saguaro Room at the MAG office. The Open House will be held from 12:00 noon until 1:00 p.m., with the Public Hearing beginning at 1:00 p.m. He invited Regional Council members to attend the event. Mr. Smith mentioned that the Four Corners COG directors recently met at MAG. The directors indicated that they wished they had as seamless a process with their DOT as MAG has.

Mr. Smith stated that the U.S. Senate agreed to \$31.8 billion transportation funding level to fund highways. He explained that early in 2002, the President's budget called for an \$8.6 billion cut in highway funding to \$23.2 billion. As objections mounted, The White House agreed to a smaller cut of \$4.1 billion, which would reduce highway funding to \$27.7 billion. House Appropriators agreed with the \$27.7 billion level and reported a bill out of committee. Senate Appropriators disagreed and chose to maintain funding at \$31.8 billion. However, neither the House nor Senate bill was enacted and died when the 107th Congress adjourned in December. Mr. Smith stated that this week, the Senate agreed to fund highways at \$31.8 billion. The White House Office of Management and Budget was critical and the House Appropriations Committee has not yet made a decision whether to support the Senate on this issue. If the House and Senate disagree on funding levels for highways, the issue would go to a conference committee where either the House or Senate funding level could be accepted or a number

in between the two could be negotiated. Mr. Smith noted that this is an important issue that will be monitored.

Mr. Smith stated that MAG was awarded the Community Emergency Notification System contract through a procurement process by the Arizona Department of Environmental Quality. The award will provide \$2.5 million for MAG and Quest Communications to jointly operate a community emergency notification system for the MAG region. This system functions as a reverse 911 system and will rapidly notify those living or working near the scene of an emergency with information and required emergency instruction. Mr. Smith noted that the system is particularly important because of Homeland Security.

Mr. Smith stated that aerial photography is now available to MAG member agencies for work with our socioeconomic projections and for the development of the Regional Transportation Plan. The photography was purchased from Aerials Express, and as a result of the research done by the MAG Information Services Manager, Rita Walton, will be shared with member agencies at no cost to them. Samples of the aerial photography were displayed on screen. Mr. Smith stated that those interested in receiving the imagery contact Ms. Walton.

Mr. Smith introduced Imelda Lopez, MAG's new receptionist. Ms. Lopez attended Eastern New Mexico University. She has previously served as a receptionist for Friendly House in Phoenix.

5. Approval of Consent Agenda

Chairman Feldman-Kerr stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the committee can request that an item be removed from the consent agenda and considered individually. Chairman Feldman-Kerr stated that agenda items #6A through #6G were on the consent agenda.

Chairman Feldman-Kerr recognized public comment from Mr. Crowley, who stated that he had a problem with the Grand Avenue Corridor Study. He referred to page one of the report that mentions that motorized traffic is the primary focus; however, TEA-21 guidelines state that pedestrian and bicycle should be the first consideration. The findings of the study equate to single occupant vehicle lanes. Mr. Crowley stated that he pointed out the TEA-21 requirements at many CTOC meetings. If you have a road good enough for polluting vehicles, also take care of those who are part of the solution, and not the problem. Mr. Crowley stated that all should look at Red Letter Notifications extensively. Mr. Crowley stated that when eight items are combined into one three minute comment period, you are denying access rather than opening the process. Chairman Feldman-Kerr thanked Mr. Crowley for his comments.

Chairman Feldman-Kerr recognized public comment from Dianne Post, who commented on agenda item #6E, Material Change to the State FY 2003-2007 Highway Construction Program and Amendment to the FY 2003-2007 MAG Transportation Improvement Program for Rubberized Asphalt. Ms. Post stated that she lives near 16th Street and McDowell between two freeways, so she is aware of freeway noise. She has sympathy with the neighborhoods, but there are higher priorities. Ms. Post stated that we are in a budget crisis. The State of Arizona spends only 25 percent of what other states spend on education. Domestic violence shelter funds at the state level are only \$3 million per year. Homeless numbers are rising and many are domestic violence victims. HUD is cutting one-third of their state budget. Food banks are having a difficult time feeding those in need. Many seniors cannot buy food and medication

in the same week. Ms. Post stated that these are higher priorities. Human need far surpasses the need for less noise. She stated that she is working with Congressman Shadegg's office to research whether some transportation funds could be used for programs other than transportation. Ms. Post stated that even if the funds cannot be used for other programs, there are transportation services such as Dial-a-Ride, Wheels to Work, and bus passes for students, elderly, and low income persons. She stated that more creative options are needed and leadership needs to be shown. Chairman Feldman-Kerr thanked Ms. Post for her comments.

Chairman Feldman-Kerr asked if there were requests to remove an item from the consent agenda.

Mayor Manross commented on agenda item #6E, Material Change to the State FY 2003-2007 Highway Construction Program and Amendment to the FY 2003-2007 MAG Transportation Improvement Program for Rubberized Asphalt. Mayor Manross stated that certain funds are dedicated funds, and cannot be moved to other programs, such as homeless or domestic violence programs. She commented that reducing noise on freeways is a major win for the Valley and a quality of life issue. Scottsdale has a couple of locations with the highest noise readings in the state. One of those neighborhoods has been there for 35 years, long before the freeways were built. Those residents need relief. Mayor Manross stated that the City of Scottsdale strongly supports the rubberized asphalt program.

Vice Chair Joan Shafer moved to approve the consent agenda. Mayor Elaine Scruggs seconded, and the motion carried unanimously.

6A. Approval of December 11, 2002 Meeting Minutes

The Regional Council, by consent, approved the December 11, 2002 meeting minutes.

6B. Conformity Consultation

MAG is conducting consultation on a conformity assessment for an amendment to the FY 2003-2007 MAG Transportation Improvement Program. The amendment includes a request from Maricopa County to add a new FY 2003 federal aid bridge rehabilitation project to strengthen the bridge at Maricopa County Route - 85 and the Agua Fria River. Also, the amendment includes the addition of \$34 million for rubberized asphalt paving projects to resurface sections of the freeway system and minor project revisions to existing TIP projects.

6C. Amendment to the FY 2003-2007 MAG Transportation Improvement Program for Maricopa County Bridge Project

The Regional Council, by consent, approved an amendment to the FY 2003-2007 MAG Transportation Improvement Program to add \$1 million in FY 2003, for a Maricopa County Bridge Rehabilitation Project on MC-85 at the Agua Fria River. Recently, Maricopa County was notified that it had been awarded \$1 million in Federal Bridge Replacement and Rehabilitation Funds (BR) to make repairs to the bridge on MC-85 at the Agua Fria River. To implement this project, it is necessary to amend the FY 2003-2007 MAG Transportation Improvement Program to include this project in FY 2003 so that it may proceed to construction. Projects involving bridge rehabilitation are generally regarded as exempt for air quality purposes and the consultation for this item is considered as a separate agenda item. The Management Committee and the Transportation Policy Committee recommended approval of this advancement.

6D. Red Letter Notification

In 1996, the Regional Council approved the Red Letter Process to provide early notification of potential development in planned freeway alignments. Development activities include actions on plans, zoning and permits. The Arizona Department of Transportation received 62 notifications for the first six months of calendar year 2002, with three properties in or potentially in freeway right of way. Of the three, the first is 3.49 acres on the southeast corner of University Drive and Ellsworth Road, which is potentially in the right of way for the Red Mountain Freeway. The Red Letter notification was received from Maricopa County. The design of the University to Southern section of the Red Mountain Freeway has only recently been initiated. Both the property owner and Maricopa County were notified of the potential conflict and advised that it is possible that proposed local street improvements and/or the on- and off-ramps to the Red Mountain Freeway may be affected.

The second property, the Edson Electric Warehouse, located at 2902 S. 44th Street, was reviewed for any potential impact to the Sky Harbor Expressway. It was determined that no potential impact to the Expressway was expected from the Warehouse. The City of Phoenix provided the Red Letter notification.

6E. Material Change to the State FY 2003-2007 Highway Construction Program and Amendment to the FY 2003-2007 MAG Transportation Improvement Program for Rubberized Asphalt

The Regional Council, by consent, approved the material change to the Regional Freeway Program and amending the FY 2003-2007 MAG Transportation Improvement Program to provide \$34 million to ADOT for rubberized asphalt as shown in the attached tables, contingent upon TPC approval of the rubberized asphalt map. MAG member agencies and the Arizona Department of Transportation (ADOT) have proposed changes to the current ADOT 2003-2007 Five Year Highway Construction program to implement a program of paving freeways with rubberized asphalt. The approximate \$34 million in funding will come from unallocated MAG federal funds, deferral of two projects and a reduction in the cost of one project. It is anticipated that the projects deferred and reduced will be allocated funding in future Transportation Improvement Programs. Rubberized asphalt has been determined to be very effective at reducing noise on urban freeways. An amendment to the FY 2003-2007 MAG Transportation Improvement Program will be needed to accomplish this change. The Management Committee recommended approval. The Transportation Policy Committee recommended approval, contingent upon approval of the rubberized asphalt map.

6F. Grand Avenue Northwest Corridor Study - SR 303L to SR 101L

The Regional Council, by consent, accepted the report and its recommendations, including designation of Grand Avenue between Loops 101 and 303 as an “enhanced arterial/limited expressway,” for consideration and analysis as needed in the MAG Northwest Area Transportation Study and the Regional Transportation Plan. The Grand Avenue Northwest Corridor Study was initiated in February 2000 to identify potential multi-modal improvements to the section of Grand Avenue between Loops 101 and 303. More than 60 options for potential improvements were considered in the study. Extensive consultation with local agencies and the public was a key element in developing the options and approximately 40 draft recommendations. One of the key elements of the Study was to develop a recommendation for the ultimate concept for this section of the corridor. It is being recommended that this section of Grand Avenue be an enhanced arterial/limited expressway. The Management Committee

and the Transportation Policy Committee recommended acceptance of the report and its recommendations.

6G. 911 GIS Data Enhancement Project Consultant Selection Recommendation

The Regional Council, by consent, approved that the City of Phoenix as the Contracting Agent for the MAG Enhanced 911 Emergency Telephone System, contract with Contact One, LLC to undertake the 911 GIS Data Enhancement Project, for an amount not to exceed \$145,200, with the payment for the tasks provided by the Arizona Department of Administration. In November, MAG advertised a Request for Proposals for the 911 GIS Data Enhancement Project. The purpose of the project is to enhance data accuracy and completeness of the GIS data maintained by the Phoenix Fire Department for emergency services delivery and produce a synchronized GIS street centerline file and Master Street Address Guide for distribution to the 26 Public Safety Answering Points (PSAPs) in the MAG Region. This enhanced database will enable the PSAPs to locate wireless 911 callers. A multi-agency evaluation team reached a consensus that Contact One, LLC be selected to undertake the 911 GIS Data Enhancement Project for an amount not to exceed \$145,200. The 911 Oversight Team and the Management Committee recommended that Contact One be selected.

10. Draft Continuum of Care Regional Plan to End Homelessness

This agenda item was taken out of order.

Ernie Calderon, Jennings, Strouss and Salmon, and Chair of the Continuum of Care, addressed the Council on *The Regional Plan to End Homelessness*. Mr. Calderon acknowledged the efforts of the Honorable Jan Brewer and Terri Wogan as vice chairs of the committee. Copies of the draft report were provided to members. Mr. Calderon stated that due to the efforts of the Regional Council and the Continuum of Care, more than \$40 million has been brought into the community. He added that HUD has granted \$10 million to MAG for homeless services, partly contingent upon implementation of the plan. He noted the contributions of more than 150 citizens, including many homeless people, for their participation in drafting the Plan. Mr. Calderon stated that the Plan will serve as a blueprint to end homelessness and requires every entity to come forward with a positive contribution to the problem. He emphasized that this does not necessarily mean monetary contributions but could be a recommendation or goal in their community. Committee members have been requested to provide their community's contribution. Mr. Calderon stated that the numbers of homeless are increasing. There are more and more working poor and battered women. He noted that continued study and input on the committee's work is welcome. Mr. Calderon invited all to attend the committee meetings. Chairman Feldman-Kerr thanked Mr. Calderon for his report.

7. Transportation Policy Committee Update

15. Legislative Update and Possible Action on Legislation Relating to One-Half Cent Sales Tax for Transportation

These two agenda items were discussed together.

Mayor Giuliano stated that a summary of the January 15 Transportation Policy Committee was recently sent out. He added that discussion of the performance evaluation standards and criteria is anticipated

at the February 19 meeting. Mayor Giuliano stated that the Regional Council needs to be updated frequently on the dealings with the legislative overlay and involvement of the TPC.

Mayor Giuliano stated that this is not a process that operates in a vacuum. There are groups in addition to the TPC who have a stake in the outcome and are actively engaged in dialogue with legislators and introducing bills even before the TPC has anything to put forward. Mayor Giuliano stated that two of those bills are HB 2288 and HB 2292. He added that Supervisor Stapley and County representatives gave a presentation on HB 2288 at the January 15 TPC meeting. The TPC discussed HB 2288 and it would be fair to say that the Committee reached a consensus that the Committee was not responsive to adding another layer of government or an additional organization to work on issues that MAG currently works on.

Mayor Giuliano stated that it would be safe to say that the consensus of the TPC that they desired and preferred a much deeper discussion with legislative leadership on HB 2292 before this bill would move through in its current form.

Mayor Giuliano stated that at each place was a list of points to be embodied in legislation relating to the extension of the tax. He stated that it is important the Regional Council understand that the TPC is moving forward on these points and the fundamentals need to be reaffirmed.

Mayor Giuliano read point #1: Acknowledge MAG's roles and responsibilities established in federal law to develop and approve the Regional Transportation Plan and the Transportation Improvement Program and that the Plan and Program are developed by MAG in cooperation with the Arizona Department of Transportation and the Regional Public Transportation Authority. He noted that this is status quo. The relationships, as they are now, are healthy.

Mayor Giuliano read point #2: Acknowledge the role of the Transportation Policy Committee consisting of members of the regional planning agency, legislators and representatives of the private sector to develop and recommend the plan to the Regional Council. He noted that this point is status quo.

Mayor Giuliano read point #3: Continue the safeguards to the public for the expenditure of the funds as established in state law, which includes MAG's responsibilities for planning freeway corridors; adopting freeway prioritization criteria; approving freeway priorities; approving material cost increases; and issuing an annual report on the status of the system. Also, extend these safeguards to other projects funded by the tax. He stated that this point is status quo.

Mayor Giuliano read point #4: Provide flexibility, if the Plan desires, to allow for the proceeds of the extension of the tax to be used for freeways and other controlled access facilities; major arterials and other multi modal projects, such as transit. He noted that this point is somewhat open-ended because the Plan is in the beginning stages of being developed.

Mayor Giuliano read point #5: Provide that the one half cent sales tax be extended for a period of 20 years. He noted that the TPC reached a consensus on a 20 year tax at the January meeting.

Mayor Giuliano read point #6: Retain MAG's authority to develop the Plan and Program and conduct the air quality conformity analysis as prescribed under federal law. He stated that the word "Acknowledge" would be preferable to "Retain."

Mayor Giuliano read point #7: Encourage the leadership of the Transportation Policy Committee to initiate a dialogue with Maricopa County regarding their role, such as calling for the election for the extension. He stated that the crux of the issue is that some, especially those from the County, think that the County should have a greater role, authority and impact in the process for developing the Plan and Program. Mayor Giuliano stated that it is not likely that the existing authorizing body, MAG, in partnership with ADOT and RPTA, is going to give up what they currently do, but we still need everyone involved in the TPC process to be involved in dialogue to meet a mutual goal. Mayor Giuliano stated that we must not lose sight of that mutual goal to draft a plan to improve the transportation infrastructure that will be put in front of the voters. He stated that we need to work through this to have a plan that all can buy in to. MAG changed the way it did business by forming the TPC as the body to develop the plan. He noted that it has been a positive engagement of business and legislative and local leadership. Mayor Giuliano stated that he would like to know that the Regional Council thinks that and has the same goal. He stated that the TPC is early in the process and we do not want to send a signal that it is not working. Mayor Giuliano acknowledged that some do not want us to succeed. Through the TPC, we have the capacity to succeed. We will bring in more allies along the way. Mayor Giuliano stated that he believed that the consensus of the elected officials on the Regional Council would be to not support HB 2288 or HB 2292. The message is being carried by others also. Mayor Giuliano stated that we need to work with those who find value with pieces of that legislation to craft legislation that will find support and find a common ground. Mayor Giuliano stated that the TPC leadership will have conversations with legislators and Supervisor Stapley to bring all along and keep focused on the mutual goal to bring the plan to the voters.

Mayor Hawker asked if the definition of TPC leadership was the Chair and Vice Chair. Mayor Giuliano replied that was correct.

Supervisor Stapley stated that he believes that this process is moving quickly through the legislature, so he would not address HB 2288 tonight because it had been discussed at the January TPC meeting. However, he welcomed discussion of HB 2288 and would be happy to provide information. Supervisor Stapley responded to Mayor Giuliano's statement that there be uniformity and consensus among the elected officials on the Regional Council regarding HB 2292. He pointed out that he is an elected official, also. Supervisor Stapley stated that Representative Pierce's bill has a strong majority of his committee in favor of the bill that contains a power sharing arrangement of the TPC for MAG, the County Supervisors, and ADOT. This could be viewed in a productive way. Supervisor Stapley asked why wouldn't MAG want to add additional value to the process and share some power with a regionally elected organization that is already involved in the process, especially when they will bring with them support that will result in the success of the election. Supervisor Stapley stated that maybe MAG thinks it would not add anything to have the County participate in the certification of the plan, but many across the Valley agree that it will. A huge coalition of the business community agrees. Supervisor Stapley added that the Board of Supervisors would be happy to discuss this with each Council member.

Mayor Manross stated that she did not support the bill because it adds another layer of government. To put it simply, mayors are closest to the people. MAG, working with ADOT and RPTA, has demonstrated it is able to do a credible job building a good transportation system. MAG has had its ups and downs, but is doing a good job. MAG is a more responsive organization. Mayor Manross stated that she understood the value of having HB 2292 as a vehicle bill. She noted her objection to section one of the bill that specifies there could be veto power. Mayor Manross stated that when that is explained to the business community, she did not believe they will still support the bill. The mayors who are closest to the people understand what it is to be regional. Mayor Manross stated that she

believed everyone can reach the same goal, but another layer of government to accomplish that goal is not needed. Mayor Manross stated that leaders have come together at MAG and want to build a regional system. She stated that it cannot be allowed for the County to have veto power or have another layer of government standing in for us making those decisions. Mayor Manross stated that she is working hard as a TPC member to come to the consensus that Mayor Giuliano spoke about.

Vice Mayor Makula asked how the business community stands on HB 2288. Mr. Smith replied that at the meeting January 28 at the League, the business community expressed in many ways that they do not support HB 2288, however, they are looking at HB 2292. Mr. Smith stated that a member of the TPC, Representative Gary Pierce, who is Chair of the House Transportation Committee, sponsored the bill. He stated that everyone needs to navigate through the issues brought up by Mayor Giuliano.

Mayor Hawker commented that he thought that adding approval by five County Supervisors would not add enough value to warrant changing the structure. Mayor Hawker explained that since municipalities represent their citizens, he appropriated the population of the unincorporated areas that do not have a mayor and arrived at 320,000 citizens. In his mind, this would be over-representation if the County had veto power. Mayor Hawker stated that the problem with the ADOT Board is that only two are from Maricopa County, and seven are from other parts of the state. Mayor Hawker stated that the cooperatively developed plan we have now works. He added that the County has the input into the plan they deserve, because their representative sits on the Regional Council and TPC.

Supervisor Stapley commented that the Supervisors are not elected by the 320,000 people in unincorporated Maricopa County, they are elected by all voters in the County, the same people who elect the mayors. Supervisor Stapley stated that the districts encompass all, and all five districts have portions of Phoenix within each district. He suggested that members open their vision to the issue, which is sharing power. This adds enormous credibility to the end product for the voters and verifies to voters that the process has been a good and fair process and the plan has been looked at not just by mayors, but by regionally elected officials. Supervisor Stapley commented that if members discussed this with the business coalition, they would be surprised how much support there is. Supervisor Stapley stated that this is not trying to take something away, but to add value to the process. Most legislators he has discussed this with think it is a creative way to add credibility to the existing process. Supervisor Stapley stated that he agreed with the changes MAG made. To think that the process cannot continue to be improved is shortsighted.

Mayor Giuliano stated that consensus is desired that he and Mayor Scruggs and own professional staffs would be empowered to have those conversations to talk to people engaged in the process. MAG has not yet discussed this in depth with legislative leaders. The bill will not pass as written, there will be discussion and give and take, and we need to engage in discussion of the legislation.

Vice Chair Shafer moved to give the Chair and Vice Chair of the TPC the authority to follow through on discussions and reaffirming the points to be embodied in legislation. Mayor Scruggs seconded.

Mayor Rimsza amended the motion to oppose HB 2288 and HB 2292 as written, and to give the Chair and Vice Chair of the TPC the authority to follow through on discussions and reaffirming the points to be embodied in legislation. Chairman Feldman-Kerr seconded.

Supervisor Stapley stated that he could support the main motion to enter into dialogue, but opposed the amended motion. To simply dismiss the bill would be shortsighted.

Chairman Feldman-Kerr recognized public comment from Mr. Crowley, who said no to the addendum. As Supervisor Stapley said, you love light rail. Phoenix has said, "It's my way or the highway, or we will leave the table." Mr. Crowley commented that the last election was not done as a split vote to see support for bus or light rail. When the state came out in 1968 against your vote, you said "my way or the highway," and you lost. In 1989, he and Mayor Hawker put in a lot of effort, but it took until 1994 to go to an election. The circle is where you concentrate efforts, the rest is rural. This region is not the only area that needs to be addressed. Mr. Crowley stated he would like to see one-quarter cent sales tax for light rail and freeway and one-quarter cent sales tax for bus and a commuter rail study. Regarding SR 85 and SR 74, you don't see Phoenix saying you have a death road here and let's fix it because it is killing our citizens, you hear "do it the Phoenix way." Phoenix might be the big dog, but the medium dog has a better plan and he supported it. Chairman Feldman-Kerr thanked Mr. Crowley for his comments.

Mayor Rimsza stated that from his perspective, the whole concept that is attempting to be sold here is that it is a false premise that we will have a more successful election by abandoning most cities' abilities to control their destiny through the present MAG process and going to a more narrow subgroup. The best way is for all to work together in the MAG process, in which the County has a seat, and move it forward. The motion allows TPC leadership to negotiate. Mayor Rimsza stated that as a leader who has won elections, he believes that Supervisor Stapley's premise is wrong. It will disenfranchise a substantially large number of cities. Some of the County proposals are fundamentally wrong and a bad basis to say that they would broaden the base of the election, but would severely narrow it.

Chairman Feldman-Kerr stated that she seconded the motion because there are seven issues not identified in the bill, and without them, it means the bill is incomplete. Whether or not we go with the County Board or ADOT Board in some fashion is not necessarily the only reason that there is a flaw with the bill. We have seven points of concern to member agencies and the TPC. To say we oppose the bills in their present form still leaves the door open for discussion.

Supervisor Stapley stated that he agreed with six of the seven points. He agreed there was more work to be done. He acknowledged that Mr. Smith had brought forward great ideas. Supervisor Stapley stated that Representative Pierce will be making changes and encompassing many of items two to six. He stated that he did not understand Mayor Rimsza's comments that Maricopa County's involvement in the process will disenfranchise cities. Every municipality is represented by and votes for the County Supervisors. It will enhance the electorate's ability to make certain this process is all inclusive and there are different perspectives than local cities and towns.

Mayor Scruggs expressed her support for the amended motion. She stated that the goal has been to work cooperatively, in harmony, and as partners. Repeatedly discussions have taken place with the business community. The issues have been brought forward to those members. Mayor Scruggs stated that we have been assured our concerns would be addressed, most recently at the January TPC meeting. She stated that one TPC business member suggested that MAG step back from engaging in legislative activity and allow two TPC business members to bring forward our concerns. Instead, we learned they went forward on the legislation and met with the editorial board. Mayor Scruggs stated that there have been numerous attempts on our part to do it the other way. We have gotten lip service and nothing else.

Mayor Giuliano stated no one should be surprised that the Regional Council would oppose the bills as written, so taking action may be unnecessary, especially if we could get a motion out of here supported by the County. He felt that Mayor Scruggs had summarized the activities of the TPC accurately. We

need to be cognizant when and how we are engaging and keep in mind the end game. Mayor Giuliano stated that he understood if the Regional Council would want to take a position with the amended motion. He stated that he would do his best as TPC Chair to express the will of the Regional Council.

Mayor Manross expressed her support for the amended motion because it sends a message we are trying to work cooperatively. A lot more negotiation needs to take place and we are willing to do that and work cooperatively. We especially want to have negotiations on HB 2292.

Supervisor Stapley said he would like to be able to support the motion, but taking the position to oppose the bill is shortsighted. It would be doing more harm than good.

Mayor Giuliano stated that regarding the amended motion he was hearing only opposition to the bills in their present form and that we are trying to enter into dialogue to modify the language.

Chairman Feldman-Kerr stated that the motion does not say the bill should be flat out denied, but in its present form, there could be negotiations made.

Supervisor Stapley stated that he agreed with six of the seven points. He assured members that he was not the author of HB 2292, which came from business coalition leaders working with legislative leadership. The County's bill is 2288. We want to work together in this legislation and see if there is a middle ground.

Mayor Scruggs addressed Supervisor Stapley's comments about why MAG would not want to bring more people into the process. Mayor Scruggs pointed out that the proposal would grant full membership to seven ADOT Board members who are not residents of Maricopa County. The proposal would grant full membership to five Supervisors. The bill would eliminate 12 leaders of jurisdictions within Maricopa County, yet you include the TPC.

Supervisor Stapley stated that he agreed that maybe the TPC should be the final voice for MAG, maybe it should be the Regional Council. He indicated that Representative Pierce and his group will find that they need to adhere to federal law requirements. Maybe ADOT will have veto power. Supervisor Stapley stated that having three to five Supervisors blessing the plan would add credibility to the process.

Chairman Feldman-Kerr stated that the consensus was that the legislation cannot go forward as written and there is need for negotiation. Chairman Feldman-Kerr stated that there are seven points that the Regional Council could potentially agree on. She stated that by approving the amended motion we say the bills are not satisfactory in their present form, and there is a need to continue negotiation. Chairman Feldman-Kerr stated that the main motion says that the TPC Chair, Vice Chair and MAG representatives will be able to use the seven points to talk from.

Chairman Feldman-Kerr recognized public comment from DD Barker, who commented on the written statement submitted for the record by Joe Ryan, where he states that comment was not taken on an action item at the January TPC meeting. She requested that an answer be provided to Mr. Ryan.

Mr. Arnett asked for the wording of the amended motion. Mayor Rimsza stated that the amended motion was to oppose HB 2288 and HB 2292 in their present form, amending the main motion that the TPC leadership and staff be in dialogue with Maricopa County and legislators. Mr. Smith stated that

the point is to have discussion with the legislators, and TPC leadership and staff would be empowered to say here is a list of points we would like to be embodied in legislation relating to the extension of the tax.

Mr. Arnett stated that he has been involved in the business coalition meetings. For the record, the business coalition, in candor and honesty, is doing this for what is best for communities. He stated that he took issue for this to be characterized as the business coalition not telling the truth or hoodwinking. They are trying to move things forward. Mr. Arnett stated that Representative Pierce wrote the bill. It is important to segregate the two bills. If the County bill is problematic, it should be rejected. He stated that he understood the need for the seven points to be included in the legislation. Since Representative Pierce is a TPC member, there ought to be some coordination with him. He requested that the motion opposing HB 2292 be withdrawn. Mr. Arnett stated that it becomes more problematic to reject Representative Pierce's handwritten bill.

A vote taken on the amended motion passed, with Supervisor Stapley, Mayor Giuliano, and Mayor Drake voting no, and Mr. Arnett abstaining. A vote taken on the main motion passed, with Supervisor Stapley voting no and Mr. Arnett abstaining.

Mayor Scruggs stated that she wanted to clarify for the record that in no way did comments indicate that there was any hoodwinking going on, as Mr. Arnett stated. Nothing of the sort was said. Mayor Scruggs stated that her comments pertained only to the fact that issues had repeatedly been discussed and we had repeatedly been given assurances that they would be addressed. She stated that some organizations may have been confused by the fact that we allowed ourselves to agree to not actively participate with the legislature, asking others to do it for us and things were not moving ahead. Mayor Scruggs stated that her intent was not to say anyone was hoodwinking us, but that she simply was saying we need to speak for ourselves.

8. TEA-21 Reauthorization Update

Tom Remes stated that a draft TEA-21 Reauthorization resolution was included in the agenda packet. He explained that the resolution is a set of guiding principles regarding the reauthorization. Mr. Remes stated that staff from MAG, ADOT, Valley Metro, and other transportation planning agencies and COG Directors on the reauthorization. He noted that the resolution reflects some of the consensus comments. Mr. Remes stated that the last page reflects discretionary projects that could be submitted for earmarks in the reauthorization bill. He added that the projects were submitted by Valley Metro and are subject to final review by their Board. Mr. Remes advised that although transportation and transit funds come from a variety of sources, the thought was to try to earmark projects and not use political capital on a variety of projects. Mr. Remes stated that the item was on the agenda for review and input, with possible action anticipated at the February meeting. Chairman Feldman-Kerr thanked Mr. Remes for his update.

9. MAG Town Hall

Chairman Feldman-Kerr stated that the Regional Town Hall is scheduled for all day Friday, March 28, 2003 at the Black Canyon Conference Center. She stated that those serving the Steering Committee include herself, Mayor Boyd Dunn, Mayor Joan Shafer; Goodyear City Manager, Stephen Cleveland; Past Arizona House Representative Dean Cooley; Evelyn Casuga, APS; and Valerie Manning, President, Greater Phoenix Chamber of Commerce. The topic of the Town Hall will be transportation. Chairman

Feldman-Kerr noted that invitations will be sent February 14 to 250 participants. The attendees will be from a variety of sources including cities' leadership programs, professional associations and other groups in order to involve a diverse group of stakeholders in the region. Chairman Feldman-Kerr stated that staff will work with sponsors to offset the cost of the event. She added that since the topic of the Town Hall is transportation, the TPC consultant is in the process of preparing a pre-briefing paper that will be mailed March 17. Oversight of the budget for the event will be provided by the Steering Committee.

11. Election to Fill the Vacancy on the MAG Regional Council Executive Committee

Mayor Giuliano, Chair of the Nominating Committee, stated that former Goodyear Mayor Bill Arnold was recently elected to the state legislature, resulting in a vacancy on the MAG Executive Committee. He stated that on December 11, 2002, the MAG Nominating Committee met and recommended that Mayor Woody Thomas, Litchfield Park, be elected to the Executive Committee for the unexpired term.

Mayor Giuliano moved to elect Mayor Woody Thomas, Litchfield Park, to fill the vacancy on the Regional Council Executive Committee. Mayor Hawker seconded, and the motion carried unanimously.

It was noted that Mr. Crowley had submitted a public comment card. Mr. Crowley had indicated that he did not need to address the Council, just go on record that he supported the election of Mayor Thomas to the Executive Committee.

12. Preliminary Discussion of the Development of the FY 2004 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough addressed the Council on the development of the Unified Planning Work Program and Annual Budget. Ms. Kimbrough stated that to provide an earlier start in developing the Work Program and Budget, a draft time line has been developed that recommends providing information earlier. She stated that she would be presenting the budget incrementally, with presentations of new projects in February and the initial draft budget in March. Chairman Feldman-Kerr thanked Ms. Kimbrough for her report.

14. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mayor Hull stated that he, Mayor Chuck Turner, Mr. Joe Lane, and Mr. Rusty Gant had attended the ground breaking for the SR 85 improvement project. The project improvements include widening to four lanes and a new interchange. Mayor Hull expressed his appreciation for MAG's support and Mr. Arnett's efforts on the project. Mayor Hull mentioned that since the project began, approximately 20 people have died on the road, a number that has since doubled, with three in the past week alone. Mayor Hull requested continued support for the improvements, which will take four to five years to complete.

Mayor Scruggs stated that in 1996, an effort was undertaken to create MAG into its own agency. In those beginning times, MAG did not have a checkbook nor money for payroll. Even in those difficult times, Dennis Smith has always been there, helping where he could with the most incredible grace,

professional dignity, and respect for others with whom she has had the opportunity of working in her governmental career. Mayor Scruggs stated that it has been a long time coming and that she hoped that being appointed Executive Director was sweeter because he had waited. Mayor Scruggs stated that she was very happy that he was MAG's Executive Director.

There being no further business, the meeting adjourned at 6:40 p.m.

Chairman

Secretary